

PTO/SB/01 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**Declaration  
Submitted  
With Initial  
Filing

OR

Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number

039US1

First Named Inventor

Patrick Miles

COMPLETE IF KNOWN

Application Number

10/759,811

Filing Date

January 16, 2004

Art Unit

3764

Examiner Name

TBD

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Surgical Access System and Related Methods

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

01/16/2004

as United States Application Number or PCT International

Application Number

10/759,811

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application<br>Number(s) | Country | Foreign Filing Date<br>(MM/DD/YYYY) | Priority                 | Certified Copy Attached? |                          |
|--|---------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|  |         |                                     | Not Claimed              | Yes                      | No                       |
|  |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  |         |                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

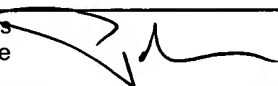

[Page 1 of 2]

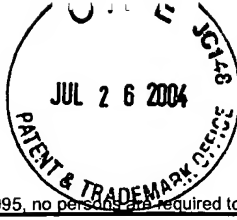
This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

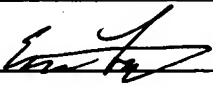
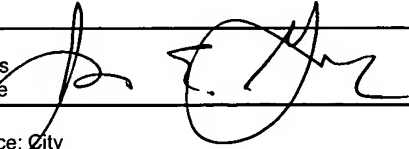
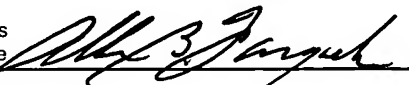
**DECLARATION — Utility or Design Patent Application**

|   |           |   |                 |
|---|-----------|---|-----------------|
| Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number: <span style="border: 1px solid black; padding: 2px 10px;">30,328</span> <b>OR</b> <input type="checkbox"/> Correspondence address below  |           |   |                 |
| Name  |           |   |                 |
| Address   |           |   |                 |
| City  |           | State   | ZIP             |
| Country   | Telephone | Fax   |                 |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. |           |   |                 |
| <b>NAME OF SOLE OR FIRST INVENTOR:</b>  |           | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                 |
| Given Name (first and middle [if any])  |           | Family Name or Surname  |                 |
| Patrick   |           | Miles   |                 |
| Inventor's Signature    |           |   | Date<br>7/20/04 |
| Residence: City   | State     | Country   | Citizenship     |
| San Diego   | CA        | USA   | US              |
| Mailing Address<br>5227 Greenwillow Lane  |           |   |                 |
| City  | State     | ZIP   | Country         |
| San Diego   | CA        | 92130   | USA             |
| <b>NAME OF SECOND INVENTOR:</b>   |           | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                 |
| Given Name (first and middle [if any])  |           | Family Name or Surname  |                 |
| Scot  |           | Martinelli  |                 |
| Inventor's Signature   |           |   | Date<br>7/20/04 |
| Residence: City   | State     | Country   | Citizenship     |
| San Diego   | CA        | USA   | US              |
| Mailing Address<br>9624 Paseo Montrail  |           |   |                 |
| City  | State     | ZIP   | Country         |
| San Diego   | CA        | 92129   | USA             |
| <input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the 2 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.   |           |   |                 |



Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION****ADDITIONAL INVENTOR(S)**  
Supplemental SheetPage 2 of 3

|  |             |   |                   |
|--|-------------|---|-------------------|
| <b>Name of Additional Joint Inventor, if any:</b>  |             | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                   |
| Given Name (first and middle (if any))   |             | Family Name or Surname  |                   |
| Eric   |             | Finley  |                   |
| Inventor's Signature    |             | Date <u>7-20-04</u>   |                   |
| San Diego<br>Residence: City   | CA<br>State | USA<br>Country  | US<br>Citizenship |
| 10548 Caminito Banyon<br>Mailing Address   |             |   |                   |
| Mailing Address  |             |   |                   |
| San Diego<br>City  | CA<br>State | 92131<br>Zip  | USA<br>Country    |
| <b>Name of Additional Joint Inventor, if any:</b>  |             | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                   |
| Given Name (first and middle (if any))   |             | Family Name or Surname  |                   |
| James  |             | Gharib  |                   |
| Inventor's Signature   |             | Date <u>20 Jul 04</u>   |                   |
| San Diego<br>Residence: City   | CA<br>State | USA<br>Country  | US<br>Citizenship |
| 10918 Derrydown Way<br>Mailing Address   |             |   |                   |
| Mailing Address  |             |   |                   |
| San Diego<br>City  | CA<br>State | 92130<br>Zip  | USA<br>Country    |
| <b>Name of Additional Joint Inventor, if any:</b>  |             | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                   |
| Given Name (first and middle (if any))   |             | Family Name or Surname  |                   |
| Allen  |             | Farquhar  |                   |
| Inventor's Signature  |             | Date <u>20 JULY 2004</u>  |                   |
| San Diego<br>Residence: City   | CA<br>State | USA<br>Country  | US<br>Citizenship |
| 6220 Hannon Court<br>Mailing Address   |             |   |                   |
| Mailing Address  |             |   |                   |
| San Diego<br>City  | CA<br>State | 92117<br>Zip  | USA<br>Country    |

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



BEST AVAILABLE COPY

PTO/5B/02A (08-03)

Approved for use through 08/31/2003. OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## DECLARATION

ADDITIONAL INVENTOR(S)  
Supplemental Sheet

Page 3 of 3

|  |  |   |                |
|--|--|---|----------------|
| Name of Additional Joint Inventor, if any: |  | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                |
| Given Name (first and middle (if any))     |  | Family Name or Surname  |                |
| Norbert                                    |  | Kaula   |                |
| Inventor's Signature                       |  | Date  |                |
| Arvada<br>Residence: City                  |  | CO<br>State   | USA<br>Country |
| 0850 West 72nd Avenue<br>Mailing Address   |  | JUL 21-2004<br>US GERMAN<br>Citizenship                                       |                |
| Mailing Address                            |  |   |                |
| Arvada<br>City                             |  | CO<br>State   | 80005<br>Zip   |
| USA<br>Country                             |  |   |                |
| Name of Additional Joint Inventor, if any: |  | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                |
| Given Name (first and middle (if any))     |  | Family Name or Surname  |                |
| Jeffrey                                    |  | Blewen  |                |
| Inventor's Signature                       |  | Date  |                |
| San Diego<br>Residence: City               |  | CA<br>State   | USA<br>Country |
| DECEASED<br>Mailing Address                |  | US<br>Citizenship   |                |
| Mailing Address                            |  |   |                |
| City                                       |  | State   | Zip            |
| Country                                    |  |   |                |
| Name of Additional Joint Inventor, if any: |  | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                |
| Given Name (first and middle (if any))     |  | Family Name or Surname  |                |
|  |  |   |                |
| Inventor's Signature                       |  | Date  |                |
| Residence: City                            |  | State   | Country        |
| Mailing Address                            |  | Citizenship   |                |
| Mailing Address                            |  |   |                |
| City                                       |  | State   | Zip            |
| Country                                    |  |   |                |

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



## Power of Attorney to Prosecute Patent Applications

I, Goretti Medeiros, being the widow of Jeffrey J. Blewett and duly appointed executor of the estate of Jeffrey J. Blewett, hereby appoint NuVasive, Inc., its agents, heirs and assigns, and practitioners otherwise associated with US Patent Office Customer Number 50-2040 as attorney(s) or agent(s) to represent the deceased Jeffrey J. Blewett before any and all patent authorities, including the United States Patent and Trademark Office (USPTO) and any and all foreign patent authorities, in connection with any and all patent applications filed by NuVasive, Inc. (including those currently pending and those filed in the future) in which the deceased Jeffrey J. Blewett is a named inventor according to the application forms as submitted ("Patent Applications").

*Goretti Medeiros*  
Signature


*April 7, 2004*  
Date

*Goretti Medeiros*  
Printed Name

Address: *86 Parkview Dr.*  
*Plantsville, CT 06479*  
\_\_\_\_\_  
\_\_\_\_\_

## Assignment

I, Goretti Medeiros, being the widow of Jeffrey J. Blewett and duly appointed executor of the estate of Jeffrey J. Blewett, hereby assign to NuVasive, Inc. the entire right, title and interest to any and all patent applications filed by NuVasive, Inc. (including those currently pending and those filed in the future) in which the deceased Jeffrey J. Blewett is a named inventor according to the application forms as submitted ("Patent Applications"), including any Letters Patent and/or Registrations which may hereafter be granted on the Patent Applications in the United States and all countries throughout the world, and any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof. The right, title and interest is to be held and enjoyed by NuVasive and its successors and assigns as fully and exclusively as it would have been held and enjoyed by Jeffrey J. Blewett had this Assignment not been made.

  
Signature

April 7, 2004  
Date

Goretti Medeiros  
Printed Name

Address: 86 Parkview Dr.  
Plantsville, CT 06479  
\_\_\_\_\_  
\_\_\_\_\_